IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

Crl.MC.No. 3368 of 2007()

AGAINST THE JUDGEMENT/ORDER IN CRRP.3122/2007 Dated 22/08/2007
CC.204/2001 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I,
PATHANAMTHITTA

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PETITIONER/ACCUSED:

K.M.PAPPACHAN,
KANNANKARA HOUSE, PARAVAKKOOTTATHIL,
KUZHIKKADA P.O., PATHANAMTHITTA.

BY ADV. SRI.P.HARIDAS

RESPONDENTS: COMPLAINANT & STATE
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1. P.K.VASAVAN,
PALANILKKUNNATHIL VEEDU, MEZHUVELI MURI,
MEZHUVELI VILLAGE.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

3. SUPERINTENDENT,
CENTRAL PRISON, THIRUVANANTHAPURAM

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3368 of 2007

Dated this the 6th day of November 2007

O R D E R

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the Negotiable Instruments Act. The verdict of guilty, conviction and sentence have now become final with the order passed by another Bench of this court in Crl.R.P.No.3122/2007 dated 22/8/2007. The petitioner is obliged to appear before the learned Magistrate on or before 22/12/2007. The petitioner has to undergo imprisonment till rising of court. Further, he has to pay an amount of Rs.91,000/- as compensation to the complainant. But the complainant is not there in the locality now. He has been arrested and is serving a sentence of imprisonment at the Central Prison, Thiruvananthapuram. The entire liability has been discharged. Payments have been made to the representative of the complainant and the liability is discharged in full. The petitioner wants to get a statement to that effect from the complainant. Accompanied by the son of the complainant, he wants to go to the prison and to get a proper statement signed by the complainant. The grievance of the petitioner is that the Superintendent of the Central Prison, Thiruvananthapuram is not permitting the petitioner to get such a statement signed by the complainant/first respondent herein.

If such a statement is not filed, the petitioner will have to undergo the default sentence. In these circumstances, learned counsel for the petitioner only prays that the petitioner may be permitted to visit the prisoner/the complainant/the first respondent herein along with the complainant's son and get a statement signed by the complainant duly countersigned by the prison authorities to confirm that the entire compensation amount has been paid to the representative of the complainant and the liability has been discharged in full.

2. I find the grievance of the petitioner to be absolutely justified. I am of the opinion that the third respondent/ Superintendent of the Central Prison, Thiruvananthapuram can be directed to permit the petitioner to meet and obtain the signature of the prisoner/first respondent herein in a statement to be filed before court.

3. The third respondent, needles to say, must attest the said statement to confirm signature of the first respondent, if the first respondent willingly and voluntarily affixes such signature on such statement.

4. This petition is accordingly allowed and the above directions are issued.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007